

nothing in the cited prior art references, either singly or in combination, to suggest the desirability of the claimed subject matter. *See In re Deminski*, 230 U.S.P.Q. 313, 315 (Fed. Cir. 1986).

Each of the rejected claims includes an element directed toward processing information received from the buyer to select at least one media outlet from a plurality of media outlets. Applicant respectfully submits that this processing and selecting feature is not taught or suggested in Miller or BuyMedia.

Miller selects advertising spots based on a collection of guideline variables. These guideline variables “define the buying guidelines to be followed in purchasing spots for a given media plan.” (Col. 6, Ln. 55-57) These variables are preferably **user definable**, although they may also be “pre-selected and unchangeable” or assigned default values. (Col. 6, Ln. 59-67) Miller provides no mechanism by which the guideline variables may be selected **by the system** based on processed information from the user. Indeed, “[a]s their name suggests, the guideline variables are preferably assigned values that are changed to suit the media plan being processed.” (Col. 6, Ln. 57-59) As the figures in Miller depict, the assignment of guideline variables is performed by the buyer rather than by the system.

The “set of media suppliers” is one of the user definable guideline variables in the Miller system. (Col. 10 Ln. 32-34) For example, once a market is selected, the user is shown “a list of television media suppliers in the selected market” from which to choose. (Col. 13 Ln. 5-7; *see also* Figure 4) The user is then able to select a particular station “to view only those spots or avail[s] on a single station.” (Col. 13, Ln. 17-18) In the Miller system, the buyer performs “a side-by-side comparison” to select a media supplier. (Col. 16, Ln. 30-32) That is, with the Miller system, the **buyer** selects the media outlets.

The Applicant’s system is very different. In particular, the Applicant’s system automates the selection process so as to “reduce the time required for the media buying process.” (Specification, Page 4, Ln. 6-14) Neither the Miller system nor the BuyMedia system enjoys this advantage of the present invention. The Applicant’s selection process is performed based on information received from the buyer – as recited in each of the rejected claims. With Miller, the set of media suppliers is an input to the system (*i.e.*, a guideline variable), whereas with the Applicant’s system a subset of media suppliers is selected based on information received from the buyer. In the present invention, the **system** determines

those media outlets that are “most effective” or “appropriate” – whereas with Miller that selection process is left to the **buyer**. (Specification, Page 8, Ln. 9-23) Similarly, with the BuyMedia system, it is the buyer who “identifies which stations or systems to contact.” (BuyMedia.com Web Page, Page 2 of 4, submitted with 12-8-00 IDS) Neither Miller nor BuyMedia describes a system capable of selecting a subset of media outlets from user supplied information.

In one embodiment of the Applicant’s claimed system, the selection process uses a “shell” schedule that is created based on criteria supplied by the buyer and on media selection software. (Specification, Page 9, Ln. 7-15) Claim 5 is directed toward the use of media selection software, and Claim 8 is directed toward the use of a shell schedule. The Applicant respectfully disagrees with the Examiner’s assertion that the “package developer” in Miller (Col. 7, Ln. 37-51) corresponds to the media selection software in Claim 5. On the contrary, the media selection is performed by the **user** in the Miller system. Further, the package developer in Miller selects advertising **spots** rather than media outlets. The Applicant also respectfully disagrees with the Examiner’s assertion that Miller selects a media outlet using a shell schedule. Miller’s “Comparison Chart” in Figure 7 assists the user in selecting a media outlet, but does not provide any mechanism by which the system itself can select a media outlet. The Applicant submits that Claims 5 and 8 are allowable for these additional reasons.

In summary, neither Miller nor BuyMedia teaches or suggests at least one element that is contained with each of the rejected claims, and thus the Applicant respectfully submits that there is nothing in the cited prior art references, either singly or in combination, to suggest the desirability of the claimed subject matter. Accordingly, Applicant traverses the rejection of Claims 1-16 under §103(a) based on the Miller and BuyMedia references and withdrawal of that rejection is respectfully requested.

In light of the foregoing remarks, it is believed that the Examiner’s rejection has been fully addressed and Claims 1-16 are in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Should the Examiner believe that a telephonic interview will be helpful in speeding this application toward allowance, the Examiner is kindly invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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